



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100, BOSTON, MASSACHUSETTS 02109-3912

Certified Mail – Return Receipt Requested

MAY – 1 2013

Mr. John T. Lebica
Assistant Vice President of Facilities and Sustainability
Cape Cod Community College
2240 Iyannough Road
West Barnstable, Massachusetts 02668-1599

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c) and § 761.79(h)
Wilkens Library – Cape Cod Community College

Dear Mr. Lebica:

This is in response to the Notification¹ by Cape Cod Community College (CCCC) of a PCB cleanup and disposal plan for the Wilkens Library located on the CCCC campus in West Barnstable, Massachusetts. The library contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a) and § 761.62. Specifically, PCBs at greater than or equal to (\geq) 50 parts per million (ppm) have been found in caulk located in three offices (LG13, LG14, and LG15); two storage areas (LG11 and LG12); and, the server room, all located in the basement (hereinafter, "the Site").

CCCC has proposed a plan under 40 CFR §§ 761.61(a) and (c) and § 761.79(h) that includes the following remedial activities:

- Remove all PCB-containing caulk and glazing, including expansion joint filler, and associated window and door components, and *porous surfaces* with greater than ($>$) 1 ppm PCBs (i.e., one course of exterior brick (4 or 8 inches) and 12 inches of concrete patio) and dispose as a *PCB bulk product waste* at a TSCA permitted landfill in accordance with § 761.62;
- Encapsulate PCB-contaminated *porous surfaces* (i.e., structural concrete column, sill, and interior concrete floor) with two coats of a liquid sealant;

¹ Information was submitted by ARCADIS on behalf of CCCC to meet the notification requirements for *PCB remediation waste* under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated February 5, 2013 (PCB Remediation Plan); April 5, 2013 (PCB Remediation Plan, Rev. #1 and Response to EPA comments); April 19, 2013 (e-mail response to EPA question on brick removal); and April 22, 2013 (email response to EPA question on brick removal); April 29, 2013 (email patio concrete sampling results); and, April 30, 2013 (clarification on brown caulk and CMU sampling results). These submittals will be referred to as the "Notification."

- Implement a long-term monitoring and maintenance plan (MMP) for the encapsulated surfaces and indoor air; and,
- Record a deed notice to document that PCBs > 1 ppm remain at the Site.

Based on the EPA's review, the information provided meets the requirements under § 761.62(a) for disposal of *PCB bulk product waste* and under §§ 761.61(a) and (c) and § 761.79(h) for decontamination, removal, or encapsulation of PCB-contaminated *porous surfaces*. EPA finds that the proposed encapsulation of the PCB-contaminated *porous surfaces* should effectively prevent direct exposure of these surfaces to building users, and that these activities will not result in an unreasonable risk of injury to public health or to the environment provided the coatings are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

CCCC has proposed a deviation from the verification sampling requirements under § 761.61(a)(6) for brick and the concrete patio. Specifically, CCCC is proposing to remove these materials based on the results of its characterization sampling with no post-abatement sampling. The characterization data and removal plan are sufficient to confirm that PCB-contaminated brick and concrete patio with > 1 ppm will be removed and EPA has determined that the proposed deviation from the verification sampling requirements under § 761.61(a)(6) will not present an unreasonable risk to public health or the environment. EPA may approve the sampling deviation under § 761.61(c).

CCCC may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1. Please note, in particular, the following Attachment 1 conditions:

- Condition 12 requires that CCCC conduct outreach on the PCB remediation work to Site users and other interested stakeholders.
- Condition 14.b requires notification to EPA in the event any post-encapsulation surface wipe sample is greater than (>) 1 µg/100 cm² or any indoor air sample is > 0.45 µg/m³.

Under this Approval, EPA is reserving its right to require additional investigation or mitigation measures should the results of the initial post-abatement sampling or the results of the long-term monitoring indicate an unreasonable risk to Site users. This Approval does not release CCCC from compliance with any applicable requirements of federal, state or local law which may pertain to this project.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527

EPA shall consider this project complete only when it has received documents evidencing completion of the encapsulation; results of surface wipe samples within acceptable limits; and, adoption of the deed notice requirements.

Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

cc MassDEP, SERO
B. Batchelder, ARCADIS
J. O'Donnell, DCAM
File

Attachment 1: PCB Approval Conditions

ATTACHMENT 1

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
WILKENS LIBRARY – BASEMENT AREA (the “Site”)
2240 IYANNOUGH ROAD
WEST BARNSTABLE, MASSACHUSETTS

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification¹. Specifically, this Approval only pertains to the caulk and associated windows and doors, building substrates, and concrete patio located at the Site as shown on Figure 3 of the April 5, 2013 submittal.
 - a. In the event that Cape Cod Community College (CCCC) identifies other PCB-contaminated materials subject to cleanup and disposal under the PCB regulations, CCCC will be required to notify EPA and to clean up the PCB-contaminated materials in accordance with 40 CFR Part 761.
 - b. CCCC may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 19.
2. CCCC shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. CCCC must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, CCCC shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

¹ Information was submitted by ARCADIS on behalf of CCCC to meet the notification requirements for *PCB remediation waste* under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated February 13, 2013 (PCB Remediation Plan); April 5, 2013 (PCB Remediation Plan, Rev. #1 and Response to EPA comments); April 19, 2013 (e-mail response to EPA question on brick removal); and April 22, 2013 (email response to EPA question on brick removal); April 29, 2013 (email patio concrete sampling results); and, April 30, 2013 (clarification on brown caulk and CMU sampling results). These submittals will be referred to as the “Notification.”

6. CCCC is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time CCCC has or receives information indicating that CCCC or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by CCCC are authorized to conduct the activities set forth in the Notification. CCCC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release CCCC from compliance with any applicable requirements of federal, state or local law; or 3) release CCCC from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from CCCC of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. CCCC shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan prepared and submitted by the selected contractor(s), detailing the procedures that will be employed for remediation of PCB-contaminated materials and for containment and monitoring during remediation activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. CCCC shall conduct the necessary and appropriate outreach activities on the PCB remediation work to Site users. Documentation on the outreach shall be provided to EPA within 30 days of receipt of this Approval.
13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools or construction of a negative air containment system with a HEPA ventilation system to control emissions, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
14. PCB-contaminated building materials shall be decontaminated and post-abatement sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk and PCB-contaminated window/door components, concrete, and brick shall be removed and disposed of as described in the Notification.
 - b. Indoor air sampling and post-encapsulation *porous surface* sampling shall be conducted to determine the efficacy and the effectiveness of the cleanup and removal actions at the Site.
 - i) Post-abatement encapsulated *porous surface* sampling
 - (1) Surface wipe samples shall be collected from encapsulated surfaces. Wipe sampling shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$).
 - (2) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - (3) In the event that the PCB concentration in **any** surface wipe sample is greater than ($>$) $1\text{ }\mu\text{g}/100\text{ cm}^2$, CCCC shall contact EPA for further discussion and direction on alternatives.
 - ii) Air sampling
 - (1) Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of less than ($<$) $0.05\text{ }\mu\text{g}/\text{m}^3$ for total PCBs. At a minimum, PCB analysis shall include PCB homologues and/or PCB congeners.

- (2) In the event that the PCB concentration in any indoor air sample is greater than ($>$) $0.45 \mu\text{g}/\text{m}^3$, CCCC shall contact EPA for further discussion and direction on alternatives, which may include development of a site-specific risk exposure assessment.
 - c. CCCC shall submit a monitoring and maintenance plan (MMP) to monitor the long-term effectiveness of the encapsulants and the indoor air (see Condition 17).
15. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED NOTICE AND USE CONDITIONS

16. Within thirty (30) days of completing the activities described in the Notification and required under this Approval, CCCC shall submit for EPA review and approval, a draft deed notice for the Site. The deed notice shall include: a description of the extent and levels of PCB contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site, if applicable; and the long-term monitoring and maintenance requirements for the Site, which may be addressed by the long-term monitoring and maintenance plan ("MMP", see Condition 17). Within seven (7) days of receipt of EPA's approval of the draft deed notice, CCCC shall record the deed notice. A copy of this Approval shall be attached to the deed notice.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

17. Within thirty (30) days of receipt of this Approval, CCCC shall submit for EPA's review and approval, a detailed MMP for the surface encapsulants and for indoor air. CCCC shall incorporate any changes to the MMP required by EPA.
 - a. The MMP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and reporting requirements.
 - b. The MMP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including on-site workers and interested stakeholders.
 - c. CCCC shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMP is necessary in order to monitor and/or evaluate the long-term effectiveness of the encapsulants.
 - d. Activities required under the MMP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Any modification(s) in the plan, specifications, or information submitted by CCCC, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. CCCC shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this cleanup and disposal plan may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from CCCC to make a determination regarding potential risk.

20. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
21. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk or injury to public health or the environment; if EPA finds that there is migration of PCBs from the Site; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. CCCC may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.
22. CCCC shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by CCCC to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval

RECORDKEEPING AND REPORTING CONDITIONS

23. CCCC shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the PCB cleanup and disposal activities and the analytical sampling shall be established and maintained by CCCC in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
24. CCCC shall submit a Final Completion Report (Report) to the EPA within 120 days of completion of the activities authorized under this Approval. At a minimum, this Report shall include: a discussion of the project activities; characterization and confirmation sampling analytical results, and post abatement sampling results, as applicable; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed off-site; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer, as applicable. The Report shall also include a copy of the recorded deed notice and a certification signed by a CCCC official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
25. As required under Condition 17 of this Approval, CCCC shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMP to be approved by EPA.

26. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

27. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1